

SECOND REGULAR SESSION

SENATE BILL NO. 1198

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5454S.011

AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 320, RSMo, is amended by adding thereto one new
2 section, to be known as section 320.350, to read as follows:

**320.350. 1. It is unlawful for any person to set fire to any forest,
2 grass, cropland, woodlands, wild lands, or marshes, or to build a
3 campfire or bonfire, or to burn trash or other material that may cause
4 a forest, grass, cropland, or woodlands fire in any county, counties, or
5 area within a county where because of emergency drought conditions,
6 an executive order issued by the governor has proclaimed the area in
7 extraordinary danger from fire.**

8 **2. The setting of any backfire by a local, state, or federal fire
9 agency as part of fire suppression activities or permitted prescribed
10 burns conducted by authorized state or federal agencies and contained
11 to state or federally owned lands are exempted from this section.**

12 **3. The director of the department of public safety, upon
13 notification from the state fire marshal that emergency drought
14 conditions exist, shall advise the governor when the lands described in
15 subsection 1 of this section in any county, counties, or area within a
16 county of this state are in extraordinary danger from fire. The governor
17 may by executive order declare a drought emergency to exist and
18 describe the general boundaries of the area affected and where burning
19 is prohibited.**

20 **4. The executive order may be amended or rescinded to adapt the
21 burning prohibition to any changes in emergency drought conditions, as**

22 determined by the state fire marshal, in the affected areas or other areas
23 in the state.

24 5. Any person who violates this section is guilty of a class A
25 misdemeanor punishable by a fine of not more than one thousand
26 dollars, by imprisonment for not more than one year, or both.

27 6. In a separate cause of action in circuit court, political
28 subdivisions and volunteer fire protection associations, as defined in
29 section 320.300, RSMo, may seek to recover from individuals violating
30 subsection 1 of this section those reasonable costs incurred in
31 responding to a fire caused by the individuals violating this section.

Unofficial ✓

Bill

Copy